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Nevenka Dimitrova

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EXAMINER

HOSSAIN, FARZANA E

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/014,258	<b>Applicant(s)</b> DIMITROVA ET AL.	
	<b>Examiner</b> FARZANA HOSSAIN	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6,9,10,12-20,23,24 and 26-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9,10,12-20,23,24 and 26-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

**1.** This office action is in response to communications filed 07/16/2010. Claims 1, 3, 4, 6, 9, 12-15, 20, 28-30 and 32-38 are amended. Claims 2, 5, 10, 16-19, 23, 24, 26, 27, 29 are original. Claim 31 is previously presented. Claims 7, 8, 11, 21, 22, 25 are cancelled.

### ***Response to Arguments***

**2.** Applicant's arguments filed 07/16/2010 have been fully considered but they are not persuasive.

Regarding claims 1-6, 9, 10, 12-20 and 23-38, the applicant argues that Katcher does not disclose a first region containing products that are selectable and second region containing products that are not selectable in the frame where the selection is made (Page 13). The applicant argues that Katcher discloses that the program may contain items that are highlighted but does not suggest that selected product does not have enhanced content information (Page 13). The applicant argues that the prior art of Nagasaka, Huber, Tavor, Rebane and Tomsen do not teach receiving a selection of a product of interest during a first frame of the plurality of frames.....a second region containing products that do not include enhanced content information, wherein the

selection of a product that is in the second region in the first frame of the plurality of frames when the selection is performed.....searching the plurality of frames for a second frame where the selected product includes enhanced content information.

In response to the argument, the examiner respectfully disagrees. Katcher discloses one frame of a plurality of frames with regions of interest containing products (Figures 1A-1D, Page 10, paragraphs 0091, 0095, 0099, Page 9, paragraph 0089). Katcher discloses that an interaction content icon appears when there are one or more regions (Page 10, paragraph 0095). Also, Katcher discloses interactive content icon is an informative icon which indicates if there is any enhanced content information or how much time until there will enhanced content information for objects of the regions on screen (Page 10, paragraph 0010). Therefore, there are products on screen which do not have enhanced content information. Katcher discloses providing a time of when objects in a region will have enhanced content information and providing enhanced content information of the selected product or objet to a user of the video device (Pages 10-11, paragraph 0091 0095, 0099). Katcher is silent on performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of being selected.

Nagasaka discloses wherein the step of performing the search comprises a step of searching the plurality of frames for a second frame where the selected product or object is capable of being selected (as the object is capable of being selected in the later frame) and providing the data to a user of the video data (Column 5, lines 45-67, Column 6, lines 21-35).

***Claim Objections***

3. Claims 33-38 are objected to because of the following informalities: Claims 33-38 recite "the at least one source..." The Office assumes "the at least one source" to be --at least one source--. The examiner also requests consideration of these limitations as the claim language of the independent claims were amended. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 10, 15-17, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher et al (US 2008/0066129 and hereafter referred to as "Katcher") in view of Nagasaka et al (US 6,195,497 and hereafter referred to as "Nagasaka").

Regarding Claims 1 and 15, Katcher discloses a method and system for performing a transaction using a video device, the method comprising the steps:

A set top box (STB) acquiring, by the video device a video signal separated into a plurality of frames containing a video program (Page 2, paragraph 0029, Figures 5A, 5B); the STB including a memory, a processor and input/output means associated

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therewith for transferring the signal (Figure 1, 54, Page 4, paragraph 0045, 0046, Figure 4),

the processor being capable of:

extracting from the video signal video enhanced content information of at least one product presented on the video program (Figures 1A-1D, Page 4, paragraph 0043);

presenting to the user the video program (Figures 1A-1D, Page 10, paragraph 0091, 0095); receiving a selection of a product of interest during a first frame of the plurality of frames (Page 9, paragraph 0089, Pages 10-11, paragraphs 0091, 0095, 0099);

performing by the video device, a search to identify data related to the selected product (Page 4, paragraph 0048);

the first frame of the plurality of frames being subdivided into a first region containing products include enhanced content information (Page 6, paragraph 0059-0062, Figures 5A, 5B) and a second region containing products that do not include enhanced content information, wherein the selection is of a product that is in the second region in the first frame of the plurality of frames when the selection is performed as the region may not be capable of being selected as a product for sale item (Page 8, paragraph 0089, Page 10, paragraph 0091, 0095, 008, 0099, Abstract),

providing the identified data to a user of the video data (Page 9, paragraph 0090, Page 10, paragraph 0095); a video device operatively coupled with the STB for displaying the video program, video enhanced content information (Page 9, paragraph

0090, Figures 1A-1D), and identified data to the user (Page 9, paragraph 0090, Figures 1A-1D); and an input device operatively

with the STB for controlling the STB (Page 3, paragraphs 0037, 0038). Katcher discloses providing a time of when objects in a region will have enhanced content information and providing enhanced content information of the selected product or object to a user of the video device (Pages 10-11, paragraph 0091 0095, 0099). Katcher is silent on performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of being selected.

Nagasaka discloses wherein the step of performing the search comprises a step of searching the plurality of frames for a second frame where the selected product or object is capable of being selected (as the object is capable of being selected in the later frame) and providing the data to a user of the video data (Column 5, lines 45-67, Column 6, lines 21-35).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Katcher which allows products to be selected for information for sale and allows some products or objects to be selected (Abstract, Figures 5A-5C, Page 5, paragraph 0053-0056) with Nagasaka's the step of performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of being selected and providing the data to a user of the video data (Column 5, lines 45-67, Column 6, lines 21-35) as taught by Nagasaka to make the object capable of being selected in the later frame to provide a way to make it easier for the user to easily trace scenes (Column 2, lines 28-32) as disclosed by Nagasaka.

Regarding Claims 2 and 16, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. Katcher discloses the video signal includes metadata or data about the data including seller information or information about the product (Figures 2A-2D, Page 3, paragraph 0039-0040, Figures 5A-5C).

Regarding Claims 3 and 17, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. Katcher discloses the processor is further capable of purchasing the selected product (Page 5, paragraphs 0053-0056).

Regarding Claims 10 and 24, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. Katcher discloses a source for the video signal, the video signal source being selected from a group consisting of a broadcasting system, a content creator, a service provider and a set top box (Figure 2, 20, 24, 50, 10, 54).

Regarding Claims 14 and 27, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. Katcher discloses making personalized catalog for the user (Page 5, paragraphs 0053-0056).

6. Claims 4, 5, 9, 12, 13, 18, 19, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Nagasaka, as applied to claims 1 and 15, further in view of Huber et al (US 2002/0120935 and hereafter referred to as "Huber")

Regarding Claims 4 and 18, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. The combination is silent on the filtering the video enhanced content information based on stored preferences customized by at least one user. Huber discloses filtering the video enhanced content information based on stored



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preferences customized by at least one user (Pages 1-2, paragraphs 0011, Page 3, paragraph 0031). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include filtering the video enhanced content information based on stored preferences customized by at least one user (Pages 1-2, paragraphs 0011, Page 3, paragraph 0031) as taught by Huber to provide a way to make it easier for the user to select a product which has several versions based on the preference information (Page 1, paragraph 0007-0008) as disclosed by Huber.

Regarding Claims 5 and 19, Katcher, Nagasaka and Huber disclose all limitations of Claims 4 and 18 respectively. Huber discloses that the user's preferences include values and life style of the user (Page 2-3, paragraphs 0019, 0031).

Regarding Claims 9 and 23, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. Katcher and Nagasaka are silent on searching sources from at least one predetermined list for a particular category. Huber discloses searching sources from at least one predetermined list for a particular category (Page 2, paragraphs 0012-0013). Huber discloses filtering the video enhanced content information based on stored preferences customized by at least one user (Pages 1-2, paragraphs 0011, Page 3, paragraph 0031). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include searching sources from at least one predetermined list for a particular category (Page 2, paragraphs 0012-0013) as taught by Huber to provide a way to make it easier for the user to select a product which has several versions based on the preference information (Page 1, paragraph 0007-0008) as disclosed by Huber.

Regarding Claims 12, Katcher and Nagasaka disclose all limitations of Claim 1. The combination is silent on receiving and analyzing transaction related information from the user or purchase history. Huber discloses receiving and analyzing transaction related information from the user or purchase history (Page 3, paragraph 0031). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include receiving and analyzing transaction related information from the user or purchase history (Page 3, paragraph 0031) as taught by Huber to provide a way to make it easier for the user to select a product which has several versions based on the preference information (Page 1, paragraph 0007-0008) as disclosed by Huber.

Regarding Claims 13 and 26, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. The combination is silent on periodically monitoring the content information and triggering an action based on user's preferences. Huber discloses periodically monitoring the content information and triggering an action based on user's preferences (Page 3, paragraphs 0031). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination to include periodically monitoring the content information and triggering an action based on user's preferences (Page 3, paragraphs 0031) as taught by Huber to provide a way to make it easier for the user to select a product which has several versions based on the preference information (Page 1, paragraph 0007-0008) as disclosed by Huber.

7. Claim 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Nagasaka, as applied to Claims 1 and 15 further in view of Tavor et al (US 6,553,347 and hereafter referred to as "Tavor").

Regarding Claims 6 and 20, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. Katcher discloses the enhanced content information includes a source of the product of interest (Page 9, paragraph 0090, Page 5, paragraphs 0053-0056). The combination is silent on the step of negotiation with the product source by offering a price that the user is willing to pay to buy the product of interest other than a price initially offered by the source and outputting the results of the negotiation. Tavor discloses negotiating with the product source by offering a price that the user is willing to pay to buy the product of interest other than a price initially offered by the source (Column 4, lines 20-40, Column 6, lines 28-34, 51-60) and outputting the results of the negotiation (Column 6, lines 28-34, 51-60). Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify the combination to include negotiating with the product source by offering a price that the user is willing to pay to buy the product of interest other than a price initially offered by the source (Column 4, lines 20-40, Column 6, lines 28-34, 51-60) and outputting the results of the negotiation (Column 6, lines 28-34, 51-60) as taught by Tavor in order to allow the user to feel like they are in a real shop 24 hours a day even if negotiating is performed electronically (Column 1, lines 9-50) as disclosed by Tavor.

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8. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Huber, Nagasaka and Tavor.

Regarding Claim 28, Katcher discloses a method and system for performing a transaction using a video device, the method comprising the steps:

acquiring, by the video device a video signal separated into a plurality of frames containing a video program (Page 2, paragraph 0029, Figures 5A, Figure 5B);

extracting from the video signal video enhanced content information of at least one product presented on the video program (Figures 1A-1D, Page 4, paragraph 0043);

presenting to the user the video enhanced content information (Figures 1A-1D)

receiving a selection of a product of interest during a first frame of the plurality of frames (Page 6, paragraph 0059-0062, Page 8, paragraph 0089, Page 9, paragraph 0090, Pages 10-11, paragraphs 0091, 0095, 0099);

performing by the video device, a search to identify data related to the selected product (Page 4, paragraph 0048);

the first frame of the plurality of frames being subdivided into a first region containing products that include enhanced content information (Page 6, paragraph 0059-0062, Figures 5A, 5B) and a second region containing products that do not included enhanced information, wherein the selection is of a product that is in the second region in the first frame of the plurality of frames when the selection is performed as the region may not be capable of being selected as a product for sale item (Page 8, paragraph 0089, Abstract),

providing the identified data to a user of the video data (Page 9, paragraph 0090); a video device operatively coupled with the STB for displaying the video program, video enhanced content information (Page 9, paragraph 0090, Figures 1A-1D), and identified data to the user (Page 9, paragraph 0090, Figures 1A-1D); and an input device operatively

with the STB for controlling the STB (Page 3, paragraphs 0037, 0038). Katcher discloses providing a time of when objects in a region will have enhanced content information and providing enhanced content information of the selected product or object to a user of the video device (Pages 10-11, paragraph 0091 0095, 0099). Katcher discloses preferences for at least one user (Page 5, paragraph 0053).

Katcher is silent on customizing preferences of a user, filtering the video enhanced content information based on the preferences and performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of being selected, providing feedback information to the user, negotiating with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product; outputting results of the negotiation; allowing the user to authorize purchasing of the selected product; and receiving and analyzing satisfaction response from the user.

Huber discloses customizing preferences for at least one user (Page 2, paragraphs 0012, 0015, 0016); extracting from the video signal video enhanced content information representative of at least one product presented on the video program

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(Page 3, paragraphs 0028-0031); filtering the video enhanced content information based on the preferences (Page 3, paragraphs 0028-0031, Pages 1-2, paragraphs 0007-0011); presenting to the user the filtered video enhanced content information (Page 2, paragraph 0015); receiving a selection of a product of interest (Pages 1-2, paragraph 0011); allowing the user to authorize purchasing of the selected product or user is selecting to purchase the product (Pages 3, paragraphs 0028-0031), providing feedback information to the user or performing a check to determine if at least one version of product exists using preference information (Page 2, paragraphs 0016, 0018 Page 3, paragraphs 0028); completing a purchase transaction for the selected product (Page 3, paragraphs 0029). Huber discloses making purchases (Figures 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Katcher to include customizing preferences for at least one user (Page 2, paragraphs 0012, 0015, 0016); filtering the video enhanced content information based on the preferences (Page 3, paragraphs 0028-0031, Pages 1-2, paragraphs 0007-0011); providing feedback information to the user or performing a check to determine if at least one version of product exists using preference information (Page 2, paragraphs 0016, 0018 Page 3, paragraphs 0028) as taught by Huber to provide a way to make it easier for the user to select a product which has several versions based on the preference information (Page 1, paragraph 0007-0008) as disclosed by Huber.

The combination is silent on performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of being selected, negotiating with the identified product source by offering a price the user

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is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product; outputting results of the negotiation; allowing the user to authorize purchasing of the selected product; and receiving and analyzing satisfaction response from the user.

Nagasaka discloses wherein the step of performing the search comprises a step of searching the plurality of frames for a second frame where the selected product or object is capable of being selected (as the object is capable of being selected in the later frame) and providing the data to a user of the video data (Column 5, lines 45-67, Column 6, lines 21-35).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Katcher which allows products to be selected for information for sale and allows some products or objects to be selected (Abstract, Figures 5A-5C, Page 5, paragraph 0053-0056) with Nagasaka's the step of performing the search comprises a step of searching the plurality of frames for a second frame where the selected product is capable of being selected and providing the data to a user of the video data (Column 5, lines 45-67, Column 6, lines 21-35) as taught by Nagasaka to make the object capable of being selected in the later frame to provide a way to make it easier for the user to easily trace scenes (Column 2, lines 28-32) as disclosed by Nagasaka.

The combination is silent on negotiating with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product; outputting results of the negotiation; and receiving and analyzing satisfaction response from the user.

Tavor discloses in the negotiating by the video device with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product (Column 3, lines 32-39, Column 4, lines 20-40, Column 6, lines 28-34, 51-60); outputting results of the negotiation (Column 6, lines 28-34, 51-60); prioritizing the results of the negotiations based on predetermined factors including price (Column 7, lines 1-5, Column 8, lines 38-56, Column 5, lines 51-63); allowing the user to authorize purchasing of the selected product (Column 5, lines 64-67, Column 6, lines 1-12), receiving and analyzing satisfaction response from the user (Column 17, lines 4-45).

Therefore, it would have been obvious to one of ordinary skill art at the time the invention was made to modify the combination to include the negotiating by the video device with the identified product source by offering a price the user is willing to pay to buy the selected product other than a price initially offered by the source regarding the selected product (Column 3, lines 32-39, Column 4, lines 20-40, Column 6, lines 28-34, 51-60); outputting results of the negotiation (Column 6, lines 28-34, 51-60); prioritizing the results of the negotiations based on predetermined factors including price (Column 7, lines 1-5, Column 8, lines 38-56, Column 5, lines 51-63); allowing the user to authorize purchasing of the selected product (Column 5, lines 64-67, Column 6, lines 1-12), receiving and analyzing satisfaction response from the user (Column 17, lines 4-45) as taught by Tavor in order to allow the user to feel like they are in a real shop 24 hours a day even if negotiating is performed electronically (Column 1, lines 9-50) as disclosed by Tavor.



Regarding Claim 29, Katcher, Huber, Nagasaka and Tavor disclose all limitations of Claim 28. Katcher discloses storing the video signal in a storage device or the video is recorded (Page 3, paragraph 0039).

9. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Nagasaka as applied to Claims 1 and 15, further in view of Rebane (US 2003/0130983).

Regarding Claims 30 and 31, Katcher and Nagasaka disclose all limitations of Claims 1 and 15 respectively. The combination is silent on prioritizing the identified data based on availability. In analogous art, Rebane discloses a system prioritizing results of the search performed based on availability (Page 19, paragraph 0241).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to prioritize results of the search performed based on availability (Page 19, paragraph 0241) as taught by Rebane in order to provide a user with an improved system of data with the most up to date product information based on the need of the consumer and to provide them with options so they can make the best decisions when doing business online (Page 1, paragraph 0005) as disclosed by Rebane.

10. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Huber, Nagasaka and Tavor as applied to claim 28 above, and further in view of Rebane.

Regarding Claim 32, Katcher, Huber Nagasaka, and Tavor discloses all limitations of Claim 28. The combination is silent on prioritizing the identified data based on availability. In analogous art, Rebane discloses a system prioritizing results of the search performed based on availability (Page 19, paragraph 0241). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to prioritize results of the search performed based on availability (Page 19, paragraph 0241) as taught by Rebane in order to provide a user with an improved system of data with the most up to date product information based on the need of the consumer and to provide them with options so they can make the best decisions when doing business online (Page 1, paragraph 0005) as disclosed by Rebane.

11. Claims 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Nagasaka as applied to claims 1 and 15 above, and further in view of Tomsen (US 2002/0056109).

Regarding Claim 33, Katcher and Nagasaka disclose all limitations of Claim 1. The combination is silent on wherein at least one source is a user's custom list. Tomsen discloses wherein at least one source is a user's custom list (Page 3, paragraph 0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least one source is a user's custom list (Page 3, paragraph 0023) as taught by Tomsen so that

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not all participants are viewed by the user that are not desired by the user (Page 3, paragraph 0023) as disclosed by Tomsen.

Regarding Claim 34, Katcher and Nagasaka disclose all limitations of Claim 1. The combination is silent on is a video device generated list is a video device generated list based on a shopping habit of the user (Pages 1-2, paragraphs 0011-0013, Page 3, paragraph 0023, Page 6, paragraphs 0052, 0055). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least one source not associated with a source of the video program is a video device generated list based on a shopping habit of the user (Pages 1-2, paragraphs 0011-0013, Page 3, paragraph 0023, Page 6, paragraphs 0052, 0055) as taught by Tomsen so that not all participants are viewed by the user that are not desired by the user (Page 3, paragraph 0023) as disclosed by Tomsen.

Regarding Claim 35, Katcher and Nagasaka disclose all limitations of Claim 15. The combination is silent on wherein at least one source is a user's custom list. Tomsen discloses wherein at least one source is a user's custom list (Page 3, paragraph 0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least one source n is a user's custom list (Page 3, paragraph 0023) as taught by Tomsen so that not all participants are viewed by the user that are not desired by the user (Page 3, paragraph 0023) as disclosed by Tomsen.

Regarding Claim 36, Katcher and Nagasaka disclose all limitations of Claim 15. The combination is silent on at least one source is a video device generated list based

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on a shopping habit of the user. Tomsen discloses wherein the at least one source is a video device generated list based on a shopping habit of the user (Pages 1-2, paragraphs 0011-0013, Page 3, paragraph 0023, Page 6, paragraphs 0052, 0055).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least one source is a video device generated list based on a shopping habit of the user (Pages 1-2, paragraphs 0011-0013, Page 3, paragraph 0023, Page 6, paragraphs 0052, 0055) as taught by Tomsen so that not all participants are viewed by the user that are not desired by the user (Page 3, paragraph 0023) as disclosed by Tomsen.

12. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katcher in view of Huber, Nagasaka and Tavor as applied to claim 28 above, and further in view of Tomsen.

Regarding Claim 37, Katcher, Huber, Nagasaka and Tavor disclose all limitations of Claim 28. The combination is silent on wherein at least one source is a user's custom list. Tomsen discloses wherein at least one source is a user's custom list (Page 3, paragraph 0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least one source is a user's custom list (Page 3, paragraph 0023) as taught by Tomsen so that not all participants are viewed by the user that are not desired by the user (Page 3, paragraph 0023) as disclosed by Tomsen.

Regarding Claim 38, Katcher, Huber, Nagasaka and Tavor disclose all limitations of Claim 28. The combination is silent on at least one source not associated with a source of the video program is a video device generated list based on a shopping habit of the user. Tomsen discloses wherein the at least one source is a video device generated list based on a shopping habit of the user (Pages 1-2, paragraphs 0011-0013, Page 3, paragraph 0023, Page 6, paragraph 0052, 0055). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least one source is a video device generated list based on a shopping habit of the user (Pages 1-2, paragraphs 0011-0013, Page 3, paragraph 0023, Page 6, paragraph 0052, 0055) as taught by Tomsen so that not all participants are viewed by the user that are not desired by the user (Page 3, paragraph 0023) as disclosed by Tomsen.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Mondays and Wednesdays, 8:00 am to 1:00 pm, Tuesdays, Thursdays and Friday 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FARZANA HOSSAIN/  
Primary Examiner, Art Unit 2424

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September 16, 2010